

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-12 are in the application. The specification, drawings, and claims 1, 5, 6 and 12 have been amended. No new matter has been added.

The Examiner objected to the drawings and specification, stating that element 8 was mislabeled. Applicants have amended FIGS. 5b, 5d, 5e, 6b and 6c to change "8" to "4" to be consistent with the rest of the application. The specification has been amended accordingly. The Examiner also objected to the drawings for not showing push button 4 in FIG. 4f. Applicants submit that push button 4 is not visible in FIG. 4f, as it is located inside the patient connector PK, and FIG. 4f shows only an exterior view. The specification has been amended to clarify the reference to Fig. 4f.

The Examiner objected to the recitation of DE 198 14 047 as in improper incorporation by reference. Applicants have amended the specification to recite U.S. Patent No. 6,482,189 instead. U.S. Patent No. 6,482,189 is the U.S. counterpart to DE 198 14 047, and contains the same disclosure. This patent is already of

record in this prosecution, as having been cited as *U.S.*
2001/0041873 to Dopper.

The Examiner objected to claim 1 for using improper means plus function language. Applicants have amended claim 1 to eliminate this terminology.

The Examiner rejected claims 5 and 12 under 35 U.S.C. §112 for being indefinite. Applicants have amended claims 5 and 12 to clarify the invention.

The Examiner rejected claims 1-12 under 35 U.S.C. §102(b) as being anticipated by *Almasian et al.*, *US Patent No. 7,137,974*. Applicants respectfully traverse.

Almasian et al. describes a device for providing a sterile fluid connection between one or more connection units, whereby the production of the fluid connection is implemented without an open access to the outside surroundings. The device forms a compact unit that is completely sealed from the surroundings. To accomplish this, the coupling piece 6 and the opening 44 of the connector 4 are each closed off with a plug 12, 22. In order to produce the fluid connection, both plugs are pressed into the

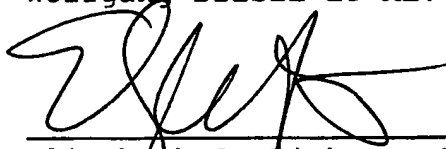
1st bore 34 of the port with a piston 20. By advancing the port into the connector 4, the second bore 32 is displaced into the fluid channel, and thus the fluid connection is produced. In a further embodiment, there are pistons on both sides of the connector which are each closed off with a plug. In order to produce the fluid connection, the plugs are pressed into the interior of the connector from both sides, and the port is pushed into the connector 4 up to the open 2nd bore. As a result, the plugs 12, 22 get into the upper part of the connector 4 and release the fluid channel.

In contrast to the device according to the invention, *Almasian et al.* does not describe a way to introduce a new sterile closure plug into a connector, particularly into a patient connector as used for peritoneal dialysis. In order to be able to produce a renewed connection of the patient to the patient connector, first the used closure part (1) must be removed from the abdomen connector of the patient catheter. In order to be able to securely close the patient catheter again after the patient has been filled with dialysate, it is necessary to introduce a new closure part in advance into the patient connector by way of a recharging device before the patient connector is connected to the patient. At this point in time,

the patient connector and the abdomen connector on the patient are no longer connected with one another. They thus do not represent a sealed unit with regard to the surroundings. Furthermore, Almasian describes a completely different application method from that of the method according to the invention.

Accordingly, Applicants submit that claims 1-12 are patentable over Almasian et al. Early allowance of the claims is respectfully requested.

Respectfully submitted,
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Enclosure: Two (2) replacement sheets of drawings

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 3, 2010.



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